UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,574	03/14/2005	Sebastien Perrot	PF020112	7078

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EXAMINER
RUTKOWSKI, JEFFREY M

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/527,574	PERROT ET AL.
	Examiner	Art Unit
	JEFFREY M. RUTKOWSKI	2619

--*The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED <u>25 July 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    <u>See Continuation Sheet</u> .

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619

Continuation of 11:

Argument:

      Suzuki, Figs. 13 - 15, apparently discloses the basic sequence from the start of bus reset to the end of node ID allocation. When the bus reset has started, the nodes check the connection status of the connector ports 810 and count the connector ports 810 that are connected to other nodes, i.e. the connected ports (S1601 and S1602 in Fig. 15, and column 12, lines 21 -25). Therefore, the nodes in Suzuki only count the connected ports; however, the unconnected ports are not included in the count. Although the unconnected ports are not currently connected to a device, they may still be ports capable of making a connection to a wireless device. Therefore, the unconnected ports to which other wireless devices may be connected are not counted by the nodes in Suzuki. For at least the foregoing reasons, Suzuki does not teach or suggest the feature "determining for each bridge portal the number of ports to which other wireless devices may be connected," as recited in claim 1.

      Furthermore, Suzuki apparently discloses the term "undefined port" and specifies that undefined ports are connection ports for which a parent-child relationship has not been determined (S1607 in Fig. 15, and column 12, lines 54 - 57), that the number of undefined ports is determined by the nodes (S1608 in Fig. 15) and that the root port is determined based on the number of undefined ports (S1610 in Fig. 15, and column 13, lines 7 - 9). Therefore, Suzuki does not teach or suggest the recited feature: "electing a bridge portal as parent as a function of the number of ports to which other wireless devices may be connected," as recited in applicants' claim 1.

Response:

      The arguments presented revolve around the interpretation of the phrase "may be connected". The Examiner has interpreted the phrase "may be connected" to refer to s determination as to whether or not there is a node attached (connected) to a port, as in Suzuki. The Examiner views this interpretation as being reasonable because the instant application discloses a scenario where a new node that is added to an existing topology can become root [page 9 line 15 to page 10 line 28]. In this scenario, other wireless devices may already have been connected to the bridge portal via connected ports. Additionally, the Specification discloses ports are elected to a parent based on "…the number of virtual ports that [the wireless bridge] can implement…"

For the reasons stated above, the claims do not require counting the number connected and unconnected ports. However, if the claim required the number of ports counted to be based on the number of ports that can be implemented by a wireless device, there would be a requirement that connected and unconnected ports be counted.